

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

<p>IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION</p>	<p>No. 2:12-md-02323-AB MDL No. 2323</p>
<p>Kevin Turner and Shawn Wooden, on behalf of themselves and others similarly situated, Plaintiffs, v. National Football League and NFL Properties, LLC, successor-in-interest to NFL Properties, Inc., Defendants.</p>	
<p>THIS DOCUMENT RELATES TO: Tracy Scroggins, et al. (Plaintiff Danny Gorrer) v. National Football League, Inc.</p>	<p>No. 16-cv-2058</p>

EXPLANATION AND ORDER

Upon review of pending motions on this docket, on July 8, 2024, I directed the NFL Parties to show cause why two motions they filed on September 25, 2017 – their motion to dismiss the second amended master long-form complaint and applicable short form complaints on preemption grounds (ECF No. 8403) and their motion to dismiss the second amended master long-form complaint and applicable short form complaints for failure to state a claim (ECF No. 8404) – could not be resolved as moot. ECF No. 12413. They responded that the motions remained

applicable to one individual, Danny Gorrer. 12-md-2323, ECF No. 12417; 16-cv-2058, ECF No. 22.

Mr. Gorrer is one of the plaintiffs in a multi-party action initiated in the Southern District of Florida, *Tracy Scroggins v. National Football League*, No. 0:16-cv-60644-RNS. An amended complaint in that case was filed on April 18, 2016. The case was then transferred into MDL 2323 and docketed in this court at 16-cv-2058. Mr. Gorrer has not entered any filings on the docket since the filing of his amended complaint in 2016. He did not file a response to the NFL Parties' motions to dismiss in 2017.

Upon review of the NFL Parties' response to the show cause order issued to them, on August 19, 2024, I issued an order to show cause to Mr. Gorrer. 12-md-2323, ECF No. 12422; 16-cv-2058, ECF No. 23. This order provided him an opportunity to show cause why I should not grant the NFL motions as to him as unopposed or dismiss his class action complaint, as amended, with prejudice for failure to prosecute. The order invited him to file any response on or before September 20, 2024. The Special Masters ensured that Mr. Gorrer received this Order through the attorney that represents him in matters before the Claims Administrator.¹ Mr. Gorrer has not filed a response nor requested additional time

¹ The attorney that filed his complaint and amended complaint no longer practices law.

to do so. His attorney advised the Special Masters that Mr. Gorrer does not intend to respond.

AND NOW, this 16th day of October, 2024, it is **ORDERED** that:

1. Plaintiff Danny Gorrer's Class Action Complaint filed on March 25, 2016, as amended on April 18, 2016 (*see* S.D. Fla., Civ. A. No. 0:16-cv-60644-RNS at ECF No. 10; E.D. Pa. Civ. No. 16-cv-2058 at ECF No. 1-1), **IS DISMISSED** with prejudice, for failure to prosecute; and
2. The NFL Parties' motion to dismiss the second amended master long-form complaint and applicable short form complaints on preemption grounds (ECF No. 8403) and their motion to dismiss the second amended master long-form complaint and applicable short form complaints for failure to state a claim (ECF No. 8404) **ARE DEEMED RESOLVED**.

s/ANITA B. BRODY, J.

ANITA B. BRODY, J.